

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231

on November 11, 1998
By Linda M. Fall

PATENT

Attorney Docket No. 2307E-082600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James D. Marks *et al.*

Serial No.: 09/144,886

Filed: August 31, 1998

For: Therapeutic Monoclonal Antibodies
that Neutralize Botulinum Neurotoxins



Examiner: Not Yet Assigned

Art Unit: 1711

TRANSMITTAL LETTER - RESPONSE
TO NOTICE OF MISSING PARTS

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the Notice to File Missing Parts of Application - Filing Date Granted, dated September 17, 1998, enclosed are the following to be made of record in the above-identified application:

- (1) Executed Declaration
- (2) Power of Attorney by Assignee
- (3) Certificate Under 37 CFR §3.73(b)
- (4) Verified Statement Claiming Small Entity Status
- (5) Copy of Notice of Missing Parts of Application

Please charge Deposit Account No. 20-1430 for the following fees:

| | | |
|---------------|---|--------|
| Small entity: | (a) Filing Fee (§1.16(a)) | \$ 395 |
| | (b) Excess Claims Fees (§1.16(b), (c)): | 709 |
| | 77 - 20 = 57 x \$11 = \$627 | |
| | 5 - 3 = 2 x \$41 = \$82 | |
| | (c) Missing Parts Surcharge | 65 |

TOTAL FEES TO BE CHARGED \$1,169

James D. Marks *et al.*
Serial No. 09/144,886
Page 2

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 20-1430. This Transmittal Letter is submitted in triplicate.

Respectfully submitted,



Tom Hunter
Reg. No. 38,498

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Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
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415/576-0300 Fax
TH/lmf
SF 175231 v1



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/144,886 | 08/31/98 | MARKS | 2307E-826US |

020350 0232/0917
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER EIGHTH FLOOR
SAN FRANCISCO CA 94111

NOT ASSIGNED

1711

DATE MAILED:

09/17/98

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 2338.00.

- ☒ 1. The statutory basic filing fee is:
☒ missing.
☐ insufficient.
Applicant must submit \$ 740.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☒ 2. Additional claim fees of \$ 1418.00, including any multiple dependent claim fees, are required.
\$ 164.00 for 2 independent claims over 3.
\$ 1254.00 for 57 dependent claims over 20.
\$ _____ for multiple dependent claim surcharge.
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:
☒ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.
An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:
An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.
- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.131(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center
Initial Patent Examination Division, (703) 308-1202

BEST AVAILABLE COPY

20/1998 KIMLING 0000027 201486

65.00 CH
395.00 CH
82.00 CH
627.00 CH

FD:205
FD:201
FD:202
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